

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2020 DEC 23 PM 1:54

HERMAN LeBLANC,  
CHRISTINE LeBLANC FORTIN,  
JAMES LeBLANC and  
JACQUES LeBLANC,

Plaintiffs,

v.

ROBERT E. SNELGROVE,

Defendant.

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Case No. 5:20-cv-147

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**(Docs. 2, 3)**

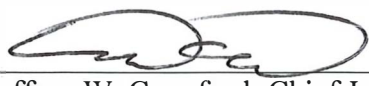
The Magistrate Judge issued a Report and Recommendation (R&R) on November 5, 2020. (Doc. 3.) No objections to the R&R have been filed. After careful review of the file and the Magistrate Judge's reasoning, the court adopts the R&R. *See* 28 U.S.C. § 636(b)(1).

Plaintiff Herman LeBlanc, along with other Plaintiffs, first filed this action relating to a boundary dispute between Plaintiffs and Defendant in state court on December 24, 2008. (Doc. 2-1; Doc. 2-2 at 3.) Defendant filed an Answer and Counterclaim against Plaintiffs on February 18, 2009. (Doc. 2-3; Doc. 2-2 at 4.) Plaintiff Herman LeBlanc removed the case to this court on September 28, 2020 (Doc. 3 at 3.)

For the reasons stated in the R&R, this Notice of Removal was untimely under 28 U.S.C. § 1446. This defect in removal procedure is grounds for remand under 28 U.S.C. § 1447(c). In addition, as a plaintiff in the original action, LeBlanc was not authorized to remove the action under 28 U.S.C. § 1441. As recommended by the R&R, Plaintiff's Motion to Remand (Doc. 2) is GRANTED.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 23<sup>rd</sup> day of December, 2020.

  
Geoffrey W. Crawford, Chief Judge  
United States District Court